

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEITH RAWLINS,

Plaintiff,

v.

DON MARLOW, et al.,

Defendant.

CASE NO. 2:19-cv-01905-RSM-BAT

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL AND
RENOTING MOTION FOR
EXTENSION TO RESPOND**

In November 2019, plaintiff filed a 42 U.S.C. 1983 civil rights action. Dkt. 1. He now moves for appointment of counsel, Dkt. 42, and for an extension to respond to defendants' motion for summary judgment. Dkt. 40. For the reasons below, the Court denies the motion for appointment of counsel and renotes the motion for an extension in order to provide defendants an opportunity to respond.

1. Motion for appointment of counsel

There is generally no right to counsel in a civil action. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998). The Court may appoint counsel for civil litigants under 28 U.S.C. § 1915(e)(1), only under "exceptional circumstances." *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). The Court considers the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal

1 issues involved in assessing whether exceptional circumstances exist. *Weygandt v. Look*, 718
2 F.2d 952, 954 (9th Cir. 1983).

3 Plaintiff requests the Court appoint counsel contending he is indigent, it is difficult to
4 litigate the case while imprisoned, he must do significant research and has limited access to the
5 prison law library, and his property was mishandled when he was transferred from the local jail
6 to the prison. Dkt. 42. These contentions do not constitute “exceptional circumstances.” Rather
7 they involve circumstances applicable to virtually all prisoners. Additionally, plaintiff has filed
8 numerous motions, sought prior extensions, made discovery requests, and has thus demonstrated
9 the ability to adequately represent himself given the complexity of the case.

10 Plaintiff avers his case is “complex.” He alleges defendants failed to protect him from
11 other inmates they knew were assaultive. This allegation does not raise a legal question of such
12 complexity that counsel should be appointed. Accordingly, appointment of counsel is not
13 presently justified.

14 **2. Motion for extension of time**

15 Plaintiff also filed a motion for 60 additional days to respond to defendants’ motion for
16 summary judgment on the grounds he is “discussing possible representation of counsel with
17 several different law firms and has recently received important discovery documents.” Dkt. 40.

18 The motion for an extension was entered onto the docket in this case on June 3, 2020,
19 after the May 29, 2020 noting date for defendants’ motion for summary judgment, and after the
20 Court filed its report and recommendation that the matter be dismissed for failure to exhaust
21 administrative remedies. Dkt. 39. In order to allow defendant the opportunity to respond to
22 plaintiff’s motion for an extension, the Court renotes the motion from June 19, 2020 to June 26,
23 2020.

1 For the reasons discussed above, the Court **ORDERS**:

2 (1) The motion for appointment counsel, Dkt. 42 is **DENIED**.

3 (2) The motion for an extension of time to respond to the summary judgment motion
4 is **RENOTED** for **June 26, 2020**.

5 (3) The Clerk shall provide a copy of this Order to the parties.

6 DATED this 15th day of June, 2020.

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BRIAN A. TSUCHIDA
United States Magistrate Judge